

**LAND DEVELOPMENT
REGULATION ADVISORY BOARD**

**April 8, 2004
100 AUSTRALIAN BLVD.
WEST PALM BEACH, FL
2:00 – 3:34 p.m.**

**Matthew Naddy
Court Reporter**

ATTENDEES

Wesley Blackman, Chairman

D.J. Snapp, Vice Chairman

Joanne Davis

David Carpenter

Barbara Katz

Stephen Dechert

Leonard Tylka

Carmela Starace

Ron Last

John Glidden

Larry Fish

Maurice Jacobson

Charles Adams

Frank Palen

Brian Waxman

Barbara Noble

Rosa Durando

Bill Whiteford, Zoning Director

Bill Cross, Senior Planner

Jon MacGillis, Zoning Administrator

Bob Buscemi, Principal Planner

Izabela Aurelson, Planner I

Lenny Berger, Assistant County Attorney

1 **PROCEEDINGS:**

2 **BILL WHITEFORD:** We will have an organizational meeting. We have to
3 update some things today. Like the Chair, the Vice-Chair, and that type of thing. We'll
4 be responsible for taking minutes. We will have these meetings on a monthly basis so
5 set it on your calendar. We will talk a little bit about that a little bit today. About our
6 meeting dates and how people are going to quorum together.

7 In the future, the meetings won't be like they were last year. Your Board knows it
8 was kind of crazy when we did the OBC rewrites, they have gone very well. You will be
9 seeing some Amendments starting next month. Little minor glitch stuff, clarifications
10 here, there, little things like that. As always, new issues have come up, things that we
11 need to address and take care of. Some Amendments related to the Scripps Project,
12 that sort of thing. But, we have a good program outline for you here today. I want to
13 welcome everybody. Thanks again for volunteering. Those of you who are new,
14 welcome aboard. Thank you for stepping forward. I don't know if you are going to go
15 around the room and introduce yourselves to everybody or what was planned in that
16 regard, because we do have some new faces and it's probably good for those folks to
17 state who they represent.

18 But, for myself and Staff, those of you who don't know me, my name is Bill
19 Whiteford. I am the County Zoning Director and I am glad to see you here. I look
20 forward to it every time. I'm going to turn it over to Jon.

21 **JON MACGILLIS:** I'm going to turn it over to Bill. All I want to say is, this is your
22 workshop, and we would like, if anything, if we are going to in depth some with
23 something, and some of you have been on the Board, three or four terms, we have go

1 to far into it, just tell us and we will move on. We have several major things to cover
2 today, and a couple of speakers to do it, so, we want to make sure you're familiar with
3 what your role is on the new Board.

4 What the Staff role is, and we would like the opportunity, at the end, to have
5 someone here go through Interactive Code, which is the part of the NTTS program,
6 which developed the Code you've seen in the past. You will be the first Board actually
7 to see this published version which will be release later this Spring. But now I will turn it
8 over to Bill.

9 **BILL CROSS:** Good afternoon. For those of you who know me, and those who don't,
10 most of you know that I am pretty hard of hearing. So, I ask that during all meetings
11 that we hold, that you keep all your discussions to one conversation.

12 **CARMELA STARACE:** He needs a microphone and you need a microphone.

13 **BILL CROSS:** I've got one right here. For all those who know me, I am hard of hearing.
14 For those who don't, I'm pretty much, very hard of hearing. I ask that you keep all the
15 conversations to just one conversation during the discussions. If you make a Motion, or
16 if you have a discussion, I ask that you make your name before it, so that the minute's
17 clerk can hear who the person is.

18 There are nineteen people here, seventeen people that are in a meeting, you
19 can't always see the name plates or who is making those Motions. So, again, please
20 state your name before making a Motion.

21 With that, let's get into the Agenda.

22 To start off with, I'd like to briefly do Staff introductions, and then I'll move into roll call,
23 at which point, I would appreciate it, so that for the new members, you can introduce

1 yourself. Briefly, the Staff, I'd like to introduce Bill Whiteford, the Zoning Director. Jon
2 MacGillis is the Zoning Administrator. We have Bob Buscemi here who is the Principal
3 Planner of Code Review Sections and who is my boss. We have here, Lenny Berger,
4 who is the Assistant County Attorney, who represents us for legal matters on this Board.

5 My name is Bill Cross, I'm a Senior Planner on the Code Review Section. With
6 that, I'll start roll call. If you would, please briefly introduce who you are so that new
7 members know who you are and what you represent and what your profession might
8 be.

9 Starting off, we have Joanne Davis.

10 **JOANNE DAVIS:** Here. I'm Commission Appointee and I work with One Thousand
11 Condos in Florida.

12 **BILL CROSS:** David Carpenter?

13 **DAVID CARPENTER:** Yes. David Carpenter. I'm a Landscape Architect representing
14 District 2 and we have offices here in West Palm Beach.

15 **BILL CROSS:** Barbara Katz?

16 **BARBARA KATZ:** I'm Barbara Katz. I'm Commissioner Appointee but, I'm also the
17 First Vice President of COWBRA, which is Coalition of Boynton West Residential
18 Associations. These associations are in the unincorporated west Boynton area.

19 **BILL CROSS:** Barbara Noble?

20 Marvin Manning?

21 Stephen Dechert?

22 **STEPHEN DECHERT:** Steve Dechert, City representative, County Commissioner
23 Appointee, and for my employment, I work for the Florida Coca Cola Bottling Company.

1 **BILL CROSS:** Marty Klein?
2 Leonard Tylka?
3 **LEONARD TYLKA:** I'm Len Tylka. I'm a home builder and commercial builder, but I'm
4 a home builder. I'm the Gold Coast Builder's representative. I'm also the Treasurer of
5 the Florida Home Builder's Association. To be president in two years.
6 **BILL CROSS:** Carmela Starace?
7 **CARMELA STARACE:** I'm an elected, I'm an elected official, and I represent the
8 Municipal Regency of Palm Beach County Builders and I'd love to know, from anyone,
9 who here, how they liked the book that we did now that they are in the development
10 business in Palm Beach County? Does it work for you? Is it working good?
11 **RON LAST:** Getting really good feedback on it.
12 **CARMELA STARACE:** You never thought you'd be a developer, hugh?
13 **BILL CROSS:** Ron Last?
14 **RON LAST:** Here. Ron Last. I'm the Florida Engineering Society. Board Appointee. I
15 have my own civil engineering business here in West Palm Beach.
16 **BILL CROSS:** John Glidden?
17 **JOHN GLIDDEN:** John Glidden of OGSP Architects. I'm representing the American
18 Institute of Architects.
19 **BILL CROSS:** Rosa Durando?
20 **MAURICE JACOBSON:** She's not here today.
21 **BILL CROSS:** D.J. Snapp?
22 **D.J. SNAPP:** I'm D.J. Snapp and I represent the real estate industry.
23 **BILL CROSS:** Wayne Larry Fish?

1 **WAYNE FISH:** I'm Larry Fish. I am a Professional Surveyor and you have me listed in
2 there as a professional engineer. Can you change that from PE to PLS. And, I have
3 my own business on the side.

4 **BILL CROSS:** Maurice Jacobson?

5 **MAURICE JACOBSON:** Well, being the youngest one here, I represent the people at
6 large, I should say. Condos and what have you. I am a former contractor, I am an
7 elected person in the town of South Palm Beach.

8 **BILL CROSS:** Charles Adams?

9 **CHARLES ADAMS:** I'm Charlie Adams. I am general contractor here in West Palm
10 Beach and I represent the Associated General Contractors.

11 **BILL CROSS:** Wes Blackman?

12 **WES BLACKMAN:** Yes. I'm Wes Blackman. I am a representative of the Palm Beach
13 County Planning Congress and currently I work for Kilday and Associates, Professional
14 Planners.

15 **BILL CROSS:** Frank Palen?

16 **FRANK PALEN:** Frank Palen. I'm an attorney for Caldwell and the same.

17 **BILL CROSS:** Brian Waxman?

18 **BRIAN WAXMAN:** Brian Waxman. I am an At-Large appointment and I am currently
19 employed at a commercial real estate firm called Applefield Waxman (phonetic) in West
20 Palm Beach.

21 **BILL CROSS:** With that done, I would like to recommend you make a Motion to elect a
22 Chair and a Vice Chair. Is a Motion on the floor?

1 **MAURICE JACOBSON:** I would like to nominate Wes Blackman as Chairman. He's
2 done an admirable job in the past and has a great command of what's going on and is
3 very knowledgeable.

4 **BILL CROSS:** Person to second?

5 **UNIDENTIFIED SPEAKER:** Second.

6 **WES BLACKMAN:** All in favor?

7 **BILL CROSS:** Motion... all in favor of a vote? All in favor?

8 **COLLECTIVE:** Aye.

9 **BILL CROSS:** All opposed?

10 Wes Blackman is Chairman.

11 **WES BLACKMAN:** Thank you for the recognition, but I hope to get out of it. I guess
12 not.

13 **DAVID CARPENTER:** Did we check, I'm David Carpenter, I forgot, did we, I mean,
14 what is the term in here. I mean, I know it's two years but, we can reelect the
15 Chairman, is that correct? Is that's the way it's stated?

16 **BILL WHITEFORD:** After two years.

17 **DAVID CARPENTER:** I just wanted to make sure before we went any further.

18 **BILL WHITEFORD:** I think the terms are gone.

19 **DAVID CARPENTER:** The terms are gone? Okay.

20 **BILL CROSS:** I think we can turn this over to Wes now. If you would like to chair?

21 **WES BLACKMAN:** Yes.

22 **BILL CROSS:** You sure?

23 **WES BLACKMAN:** The election of Vice-Chair, we will take Motions from the floor.

1 **CARMELA STARACE:** Well, D.J. did a good job also and he runs a good meeting so --

2 **MAURICE JACOBSON:** I'd like to second that.

3 **WES BLACKMAN:** Okay. Does the Motion beckon discussion? Seeing none.

4 Closing nomination. Those in favor say aye.

5 **COLLECTIVE:** Aye.

6 **WES BLACKMAN:** Those against say nay. So D.J. is Vice-Chair.

7 **WES BLACKMAN:** Moving on to review agenda, additions, substitutions and deletions.

8 Are there any changes to the agenda? Seeing none, Motion to Adopt the Agenda?

9 **CARMELA STARACE:** So moved.

10 **JOANNE DAVIS:** Second.

11 **WES BLACKMAN:** Motion seconded. The discussion being none. Those in favor say

12 aye.

13 **COLLECTIVE:** Aye.

14 **WES BLACKMAN:** Those against, none. The Motion passes.

15 Do we have excused absences?

16 **BILL CROSS:** We have one person absent. Marty Klein. He was out of state for an

17 emergency in the family and was unable to make it.

18 **WES BLACKMAN:** Okay. Is there a Motion to Accept that Excused Absence?

19 **CARMELA STARACE:** So moved.

20 **JOANNE DAVIS:** Second.

21 **WES BLACKMAN:** Does this Motion beckon discussion?

22 **JOANNE DAVIS:** I have a question.

23 **WES BLACKMAN:** Yes?

1 **JOANNE DAVIS:** Okay, so we operate under a different absence rule then some of the
2 other committees? No? So, it's three strikes, your out? Is that when you are excused?

3 **LENNY BERGER:** I'll talk loudly. We discussed this when you were all still the CTF
4 and it was pending awaiting changes of the new Code that we have in effect today,
5 which brings Land Development Code Boards in compliance with Board of County
6 Commissioners' general policy which is, as of now, there's no such thing as excused
7 absences. It's three and you're out. In your packet, you only have a print out that's
8 particular to your Board.

9 There are general advisory Board provisions in your Code. If you look in Article
10 Seventeen, which deals with Advisory Boards and, if you look at Chapter E, I think, I
11 haven't had a chance to memorize the whole Code yet, oh it is? There is a separate
12 handout. And you'll see the new policy. It's three and you're out. Three consecutive
13 and you're out. And, I think, half in a calendar year, you'll have to check, but there are
14 no excused absences anymore.

15 **WES BLACKMAN:** So, an absence is an absence is an absence?

16 **CARMELA STARACE:** Oh, then we won't be voting on excused absences anymore?

17 **LENNY BERGER:** Correct.

18 **CARMELA STARACE:** Okay. So, then what is involved.

19 **LENNY BERGER:** Forget about the trip up today. It's just an absence? Sure. It's a
20 regular meeting.

21 **FRANK PALEN:** I have a question, Frank. I'm Frank. I am an alternate so I assume
22 that rule does not apply at alternates?

23 **LENNY BERGER:** Correct.

1 **FRANK PALEN:** Thank you.

2 **WES BLACKMAN:** And one of the changes of this year is that we have two At-Large
3 Alternates essentially, not each Appointee having an alternate, so, that is a change, and
4 we are probably going to review that.

5 **CARMELA STARACE:** Is there any room for, you know, like, an appendectomy pops
6 up, you know?

7 **WES BLACKMAN:** Hopefully, never at a meeting.

8 **CARMELA STARACE:** You never know. Is there a doctor in the house? But, I'm just
9 saying, you know, if you, yourself are in the hospital, I mean, and it's your third one.

10 **LENNY BERGER:** There are no exceptions in the policy.

11 **CARMELA STARACE:** That's all I wanted to know. That's all I want to know.

12 Okay.

13 **WES BLACKMAN:** Moving on. An Overview of Planning and Zoning Functions. This
14 is attachment One.

15 **BILL CROSS:** As indicated by Jon, this is your meeting, I'm going to try to be as brief
16 as possible with some of this as we are going through the attachments but, if you have
17 more questions, please stop me and we'll be glad to answer them. An overview of the
18 Planning, Zoning and the Building Department and the reason we're showing you this,
19 is in the event that we have code division where other department Staff, or division
20 heads, will be attending, we want you to know where they originate from.

21 The Department Director is Barbara Alterman, under with which you have, of
22 course, the Claims Division, we have the Code Enforcement, we have the Zoning
23 Director, the Building Division Director, the Contractor's Certification Division Director,

1 and an Administration Director, which rarely would there be any changes proposed on
2 that one.

3 Moving along, we are going to introduce Isaac Hoyos in the Planning Division.
4 He's going to give a presentation on the roles of the planning division and how it
5 interrelates LDRAB and the Land Development Regulation Review Commission, at
6 which point we will be convening to determine if the proposed Code amendments are
7 consistent with the Comprehensive Plan. With that, I'd like to introduce Isaac Hoyos.

8 **ISAAC HOYOS:** Good afternoon.

9 **COLLECTIVE:** Good afternoon.

10 **ISAAC HOYOS:** Isaac Hoyos with the Planning Division. The document that you
11 received today has a lot of the details of what the planning functions are. Today, we
12 are going to do some brief highlights, particularly in those areas where we interact with
13 the Zoning Division and with this Board.

14 The first thing of the main document that we work with is the Comprehensive
15 Plan. The Comprehensive Plan basically contains policies that guide growth in the
16 county. Also the Comprehensive Plan has incorporated a long term vision for the future
17 of Palm Beach County and has been there through the years with its participation. The
18 main relationship that we have with the Palm Beach Unified Land Development Code is
19 that any provision in the Comprehensive Plan, or the majority of the provisions in the
20 comprehensive plan, are implemented through the ULDC and that's why you have seen
21 me here on many occasions when there are changes to the ULDC, the Unified Land
22 Development Code is making determinations in the consistency with the
23 Comprehensive Plan.

1 We also manage, of course, the Comprehensive Plan, which entails several
2 activities. The first one is the Florida Statutes. Every local government has the
3 opportunity to entertain amendments to the Comprehensive Plan. These amendments
4 are either privately initiated or initiated by the county Staff. Amendments are small and
5 large in scale and these amendments may require changes to the ULDC. That's one of
6 the main reasons why I am mentioning this. Many times there are occasions when do
7 changes in the Comprehensive Plan they may require to amend the Code.

8 Second, we have the function of managing growth in the county in the year 2000.
9 Let me explain a little bit more about what the system in a few minutes. Consistency
10 review, again, as I said a few seconds ago, we review changes in the ULDC for
11 consistency with the Comprehensive Plan. You are very familiar, most of you, we
12 finished doing the amendment to the Code to incorporate the manageability assistance.
13 That's when we have intense activity making findings of consistency with the
14 Comprehensive Plan.

15 Finally, as part of the management of the Comprehensive Plan, we make an
16 evaluation known as the Evaluation Approval Report (EAR) as required by the state
17 and the local government which needs to be performed every seven years and,
18 basically an audit of the Comprehensive Plan assessing how well each local
19 government is doing in managing growth.

20 We have many other planning functions. I'm just going to fly by some of them. Yes?

21 **CARMELA STARACE:** You said if we, you said if we had any questions. I just have
22 one question on the growth management, part of that is language?

23 **ISAAC HOYOS:** Mostly, it is--

1 **CARMELA STARACE:** Because this says the Growth Management System is to
2 manage Palm Beach County's growth, but you do not dictate city planning?

3 **ISAAC HOYOS:** Absolutely not.

4 **BARBARA KATZ:** So, could this say incorporated and unincorporated?

5 **ISAAC HOYOS:** Unincorporated.

6 **BARBARA KATZ:** Can it say that instead of Palm Beach County growth? I'd
7 appreciate it.

8 **ISAAC HOYOS:** No problem.

9 Other activities that have that we are involved in is that we are doing sector planning
10 project for the central western community. It's like an encore of the manageability
11 system and we are close to reaching closure on this. We also are participating in the
12 marketing planning for the Scripps Research Institute and the ancillary review process.

13 We have a section that focuses on the open data and the various information for
14 the County for all of the Staff and for the public. As you're going to see, due to
15 changes in the situation of the county we are now focusing on utilization.

16 As I promise every year, we are going to do a brief presentation of the Growth
17 Management System. Basically, for those of you who are new to this Board, the Growth
18 Management System was designed to recognize and protect land and community
19 diversity. Basically, we recognize that in the county, unincorporated areas of the
20 county, people have different life style choices. Those that like to live in the more urban
21 areas and those that like to live in the rural atmosphere, large lots, have horses, etc.
22 So, this helps to basically recognize the differences in land and community diversity. It
23 is intent of creating sustaining more involved communities.

1 Basically this system consists of, we group areas that have the same
2 characteristics and then tailor policies specific for those areas. Like county-wide
3 policies, we identify areas that are similar and tailor policies that are applicable in those
4 areas. Before doing that, the Growth Management System is also linked to the different
5 types of levels of services available. And, basically, we have all available services in
6 the western and eastern areas of the county and also in the gated communities.

7 Also, the limited areas like the Reserve, Pratt Whitney, Scripps Research
8 Institute will be in a limited service area, and the rest will be in a rural service area.
9 Different levels of services for each of the different areas. The coastal are of the county
10 is where most of the growth is expected in the county, urban and suburban
11 development there, which account for 90% of the predicted population growth of the
12 county. In coordination with different service areas it has become an overgrowth
13 boundary.

14 The next expected area of overgrowth here, basically I'm addressing the different
15 items in the western community the area between West Gate and the everglades
16 agricultural area. Basically, the concept here is to protect and maintain rural and semi-
17 rural communities. And, finally, the rest of the area includes the sugar cane fields, the
18 everglades agricultural area, the glades communities and also everglades ecosystem.
19 Cultural, the everglades conservation area and the glades community.

20 Just let me give you a quick few in where we are involved in the county. We are
21 still issuing about 10,000 building permits a year and we are farming about 2,000 acres
22 a year in Palm Beach County. Today's situation, if you look at this map, is basically
23 showing that the county is in the process of reaching build out under the law land.

1 There are about 22,000 acres available in the urban areas. The map is showing you in
2 green, the areas that have building options and outside of the red line, we have the
3 urban communities, which is the movement here, we have the rural communities, which
4 have very low density, like acreage of many of the communities out there.

5 But, inside, on the right hand side, showing the movement here, those red spots,
6 are the only areas that have not been developed. Everything, here is in the process of
7 being developed. There are 50,000 acres available in the lake communities, but,
8 unfortunately, there is no developing in those areas at this point.

9 **WES BLACKMAN:** Thank you, Isaac. Questions for planning?

10 **CARMELA STARACE:** Yes. Just cause we can't see because it's so small, but, way
11 down here, where it says committees-boards, you have decision task force above land
12 development, whatever, whatever... that's gone away now, right? So, you don't want
13 that in there? Oh, you do have that down here.

14 **ISAAC HOYOS:** No, that's no problem.

15 **CARMELA STARACE:** No, no, its that its not a criticism, it's just reading it...

16 **WES BLACKMAN:** Yes, Ron?

17 **RON LAST:** Are the exurban and rural's here, that's the same tier correct?

18 **ISSAC HOYOS:** The Exurban tier is the Acreage, which has a lot of one acre and a
19 quarter and the rural tier now has a variety of activities of agriculture. Very large lots.

20 **CARMELA STARACE:** The Acreage did not want to be in the rural area?

21 **WES BLACKMAN:** Any other questions of planning? Isaac Hoyos, thank you. Moving
22 on to Building Division Overview.

1 **BILL CROSS:** Taking into consideration what Isaac has explained, when the Comp
2 plan introduces changes, of course, it comes down to Code Review, but of course there
3 is much more of the implementation of the comp plan to Code as far as development
4 and a lot of that has to go to the Zoning Division, obviously. With that, I want to
5 introduce to you the Zoning Administration Organizational Chart.

6 Looking at that, you will see that, again, for a third time introduction, that Bill
7 Whiteford is the Zoning Director and Jon MacGillis is the Zoning Administrator. We
8 have maybe five sections. One section is a public information section that generally
9 handles on call functions and the file room. There are four sections, starting with Code
10 Revision, would be the Code Revision staff which includes code revision status, as well
11 as Board of Adjustment staff and handles variance approvals.

12 From there, we have an Architectural Review Section, which handles
13 architectural review as well as landscaping permits for all county projects.
14 Then we have a Public Hearing Section. Public hearing section deals with re-zonings or
15 conditional use approvals or large developments or certain types of developments.
16 Included in that, we have a development review oversight committee that implements
17 not only approves projects that were approved by the board of county commissioners
18 through the public hearing section, but other projects that require development review
19 officer approval. With that, I conclude the introduction to the Zoning Division and move
20 on to Code review unless we have any other questions.

21 **WES BLACKMAN:** Any questions regarding the Zoning Division, yes Carmela?

22 **CARMELA STARACE:** It's just that Barbara came in.

23 **WES BLACKMAN:** Oh, yes. We'd like to recognize Barbara Noble.

1 **BILL CROSS:** Done. The next slide we have is a brief overview of the Code Section.
2 We already mentioned that it includes the Board of Adjustment and Code Review Staff
3 and Bob Buscemi is the Principal Planner in charge of those sections.

4 Moving along, into the next attachment, unless there are additional questions?
5 Okay. Moving along, we have provided a brief two page handout on what is the Land
6 Development Regulations Advisory Board, also known as the LDRAB. And, within that,
7 we said, what is LDRAB? In a nutshell, LDRAB or LDRAB is the advisory board that
8 was, will review request or applications for Code Review or Code changes and make
9 recommendations to the Board of County Commissioners. Okay?

10 Who are the members? The first seven members are nominated, approved by
11 the Board of Commissioners. The first seven are each nominated by a District
12 Commissioner. The next ten, as indicated on the chart here, are professional
13 organizations or boards, and the remaining two are alternate members, that are "At-
14 Large" members that are nominated by the entire County Board of Commissioners by a
15 majority nomination approval.

16 The terms of the LDRAB members are two and three years, depending upon the
17 odd and even numbering of their approval, as indicated in the Unified Land
18 Development Code and division number.

19 When we need, we have a schedule for the upcoming year, starting with today, April 8th.
20 And we have schedule for each month. Generally, they are on Thursdays, but we had
21 to reorganize to accommodate meeting room space and other Staff to make sure
22 everyone could be here. And there will be a meeting on a Tuesday, and that will be July
23 13th and there will be a meeting on November 10th, on a Wednesday.

1 There is also, we had mentioned that the reason we had Isaac do a presentation
2 here was that the Planning Division maintains how to end the plan. When the LDRC
3 meets, we are required to have submitted to the Planning Division any code
4 amendments or changes to make sure that it's consistent with the Comprehensive Plan.
5 When we actually approve, or make a recommendation, or you make a
6 recommendation to the Board of County Commissioners, you'll be required to convene
7 as the Land Development Review Committee, the LDRC, to make a recommendation
8 and, at the same time to show that it's consistent with the Comprehensive Plan.

9 Yes?

10 **CARMELA STARACE:** That Tuesday that you have down, is that a Board day? A
11 BCC day?

12 **BILL CROSS:** These are actually LDRAB meeting dates.

13 **CARMELA STARACE:** I understand that, but the Board meets on Tuesday's also.

14 **BILL WHITEFORD:** We'll find out. It's probably one or the other. It's either going to be
15 a meeting day or a workshop day. They meet every Tuesday one's after the other.

16 **CARMELA STARACE:** Then my question goes to Lenny. What if we have item that
17 needs to be addressed, or anyone has an item that needs to be addressed by the Board
18 of County Commissioners and that turns out to be a workshop or a Board day? Then,
19 are we unexcused?

20 **LENNY BERGER:** If this is on a BCC day, I suspect it will be rescheduled.

21 **CARMELA STARACE:** Okay.

22 **LENNY BERGER:** Because there will be an awful lot of people who won't be here.
23 So we will need to double check that.

1 **WES BLACKMAN:** Questions regarding our meeting schedule? Go ahead.

2 **BILL CROSS:** The next item is forming LDRAB sub-committees. On certain occasions
3 there may be some amendments coming before the entire Committee that requires
4 certain additional review or technical expertise or detailed review. At that time, LDRAB
5 may initiate to create a sub-committee review these more specific Ordinances or
6 proposed amendment which must include two regular members, and have been created
7 through a majority vote, the LDRAB or any other type of quorum.

8 When forming a sub-committee, we would arrange or coordinate, when the sub-
9 committee is created, to schedule the meetings at your convenience and use of our
10 secretarial Staff and make meeting space available for you. Often times we also have
11 technical Staff available for whatever particular management you may need, whether it's
12 zoning staff or some other department that is initiating the amendment.

13 **WES BLACKMAN:** We had a number of sub-committees that were formed during the
14 review of the revised OCB last year and there was an issue about attending the number
15 of those meeting and what actually, if any, quorum was required for those individual
16 meetings. I think we came to the conclusion that it might be good just to underline them
17 but, we don't actually need a quorum to meet with those meetings without that
18 conclusion?

19 **JOHN MACGILLIS:** There was lengthy discussion regarding the code revision and the
20 final outcome was that we have two members show up, we are required to carry on the
21 meeting. Unless, the two members that show up don't want to go forward, but, that we'll
22 be ready to go forward with whoever shows up for that meeting.

1 **WES BLACKMAN:** And, many times with sub-committees we try to get an industry
2 representative for the area the sub-committee is working on to get their input. We can
3 introduce that and accommodate that as the sub-committees are formed. Any other
4 questions with regards to sub-committees?

5 **DAVID CARPENTER:** David Carpenter, Did you mention the web site a moment ago?

6 **BILL CROSS:** Okay no more questions on those committees.

7 The last issue is what regulations govern the LDRAB. Number 1, read Article
8 Seventeen of the Unified Land Development Code which indicates the creation of the
9 LDRAB as well as the handout we provided documenting information that covers all
10 Advisory Boards.

11 In addition to that, we have Lenny Berger here who is going to do a presentation
12 to you on the handout that we provided to you regarding the Sunshine Law.

13 **LENNY BERGER:** Hi. For those of you who have heard this before a number of times,
14 I apologize. For my kids who see movies ten times, the same movie ten times over, I
15 guess there's some value in repetition. For those who are new, welcome. I think you
16 will find this very interesting.

17 Primarily, I wanted to cover today the rule that govern you and all other
18 government officials, be you elected, appointed or otherwise. Now that you are part of
19 this Committee, you are subject to a Code of Ethics. The Code of Ethics, there is a
20 local set of regulations, there is also, that run parallel to state laws, and it's important for
21 you to understand at least the principles that guide them.

22 Like at great state law that deals with human behavior, it's a very complex, and I
23 don't want to take up several days trying to tell you every single nuance and exception,

1 but the idea is to give you sort of a general idea of the principles that drives the Code of
2 Ethics and, hopefully alert you to the kind of issues that you may encounter in your
3 duties here, so that we can address it before it becomes a problem.

4 The whole idea is just to be sensitive to the issues and ask, well in advance of
5 the meeting, so that we have time to discuss what some of the options are.

6 Understand, I guess, Harry Potter, Justice Potter Stewart, I guess. The Supreme Court
7 Justice who is my favorite, not Harry Potter, whose movies my kids see ten times over,
8 he said that what you have the right to do, might not be the right thing to do. Ultimately,
9 that is all the Code of Ethics is really all about. To determine whether you may be
10 getting yourself into hot water or not, the best thing to do is to think of this from the
11 prospective of an outside observer, and understand, as private citizens, we all
12 appreciate that we are all predisposed to thinking that the government is lousy and
13 they're doing something wrong, if they're being reported on. So, understand, you will be
14 held to a higher standard.

15 Three general standards of the Code of Ethics, you can't disclose or use information
16 that is not readily available to the public that you get because of this position and you
17 use it to your private advantage. Now, most of what we do is, technically, is open to the
18 public.

19 But, there can be some fine lines drawn. Understand, a Deputy Clerk, elsewhere
20 in this state, who is a real estate agent, got into trouble because of the immediate
21 access that she had to information dealing with foreclosures, probate proceedings, and
22 such and turned it to her private advantage. Obviously, you can't corruptly use your
23 position. I don't need to waste anyone's time telling you to just behave. You can't do

1 anything with wrongful intent here. You, your spouse, your kids, aren't supposed to
2 take any sort of gift with the understanding that it is taken in exchange for some sort of
3 favorable treatment or vote that you would take here.

4 There is something called the zone of danger, that the Court has described sort
5 of fairly outlining the boundaries that you can operate in. You may be held to the
6 "should know standard". A Court could say that you should have known that this was a
7 tit for tat situation and I can give you a couple of examples.

8 In the City of Coral Gables, a City Commissioner took a membership to the Coral
9 Gables Golf Club and this was considered not to be a violation of the Code of Ethics.
10 The reason was because the golf course wanted nothing from the City and had no
11 foreseeable needs from the City for anything at all. So, for that case, just for the fact
12 that you could be in a position where could be of some use to this guy in the future, is
13 not going to cause you any trouble.

14 On the other hand, an athletic director for a large university in the State of Florida
15 got an incredible deal on a roof and by a roofer who was also doing a roof for the Field
16 House of the major university. Now, I hope that everyone ought to know that you
17 shouldn't do any of these things, okay? That's the sort of danger that we're talking
18 about.

19 Now, there are conflicts of interests that everybody appreciates, even with casual
20 acquaintances in the world of government. And everybody knows that there's this thing
21 called an abstention, were we can abstain when we have a voting conflict. What a lot of
22 people fail to recognize is that there is an "absolute prohibition" against what they called
23 prohibited conflicts of interest. It's going to come up in very, very rare occasions in this

1 kind of Board, in the context of this job. But, it's important that you are at least aware of
2 it.

3 You are prohibited from having any contractual relationship with any entity that is
4 going to be regulated by your Board. Now, the word regulated is pretty narrowly
5 interpreted. So, I don't mean when we do a countywide or an unincorporated area
6 change to the zoning Code, that you are necessarily being regulated by, as in the sense
7 as the Ethics Commission sees it. The key is that we're talking about scale.

8 There might however, be an instance where you are dealing with a development,
9 an overlay zone, for example, that is very small, or a set of regulations that otherwise
10 deal with a very narrow, small, confined area, and here you are working with a
11 developer counting on these changes to come through. This would be a prohibited
12 conflict. You can't be on this board and have that relationship at the same time. Be
13 aware that if something like that comes up, we need to talk, okay. It is a conflict that
14 may be waived by the Board of County Commissioners in a public meeting, fully
15 disclosed with a pre-fixed vote. But, if you do the vote, and afterwards say, oops, I
16 made a mistake. I'll agree.

17 If there is a voting conflict, that would be an instance where you or somebody
18 you work with, or your kid or your spouse work's with, where a result of the vote would
19 end up being to your financial benefit or to a loss financially for you. This really is about
20 relationships where you have some kind of a profitable interest. If you are a non-
21 compensatable director of a non-profit organization or if you are a member of a church or
22 something that is going to benefit, that's not what we're talking about here. If you're a
23 public official who serves a City, that's not what we're talking about here. But, if you

1 work for a profit making organization, and a vote here would enrich your gain, or your
2 kid's gain or your spouses gain, you need to abstain in that circumstance. When you do
3 it, again, do it here before the vote's taken, and then we'll give you a lovely conflict of
4 voting form which you'll need to fill out and turn in to the Clerk of our Board within fifteen
5 days of the vote.

6 Again, when we are talking about whether or not you really have a real special
7 gain or a loss, you look to the size or the scope of the regulation. The Ethics
8 Commission, at that time, that there wasn't really a problem where somebody voted on
9 some land, on 29,000 acres of land, of which the Commissioner owned 300 acres. If it's
10 a relatively small proportion of the area that you're dealing with, you don't really have a
11 problem.

12 However, there was a Commissioner, and I'm not talking about our county, of
13 course, in the State of Florida, where only 1,200 of 32,000 acres did end up being a
14 conflict. So, be aware of those sorts of situations as well. And, again, there is no harm
15 in abstaining if you think you may have a conflict of interest. You file a form and you are
16 done.

17 Penalties for violating the Code of Ethics may be very severe. You will, of
18 course, be removed from office. You will be subject to a very unpleasant civil
19 administrative proceeding in Tallahassee. If you are found to have violated it, you will
20 subject to a civil penalty of up to \$10,000.00 and any restitution that the Commission
21 might think you are owing for any gain they think you might have gotten wrongly.

1 So, I'll tell you that this thing doesn't happen each and every day but, even being
2 accused of a misdeed under the Code of Ethics is just not worth it. That's your good
3 news for the day.

4 You are also subject to the Sunshine Law, which means that meetings have to
5 be open. Fully open and to the public. For you, that's generally the Staff's problem and
6 not yours. But, what you all need to be aware of is that the law frowns seriously and
7 deeply on any methods, used by anybody, to abate the open meetings requirement.
8 The meeting law applies to anytime any two, or more of you, talk about anything
9 foreseeable coming before this Board. You're not supposed to do it. People have
10 been accused of this, but not convicted in Palm Beach County. Probably, I can think of
11 three times in the last two years. And, this is crime. So, this would be the State versus
12 you. And again, this is not something you need in your life. Understand, that beyond
13 getting into trouble yourself for a violation, if your actually convicted, is a second degree
14 misdemeanor, and that's a term of sixty days or a fine of \$500.00. Nobody that I know,
15 except for a school board member in a Panhandle county, has ever gone to jail for this.
16 The fine is \$500.00, you don't need that either. Even more embarrassing, if none of this
17 occurs, if there has been a Sunshine Law violation, it is possible that a Court can
18 completely undo all of the work that was done. This occurred in the town of Palm
19 Beach, probably fifteen years ago with their entire Zoning Code. I don't think that
20 anybody needs that either.

21 The last thing I want to touch on is the Sunshine Law is we've always, or CTF,
22 the predecessor Board here, has always had a very liberal participation policy here.
23 The Sunshine Law requires "participation" by extending quotes. Essentially, all that

1 really means for Advisory Board meetings is that people get to show up and watch. We
2 let people speak, but there is absolutely no right, under The Sunshine Law, to require,
3 or allow anyone to speak to every single item that is on the meeting. That's how it
4 works.

5 Finally, public records laws. For the most part again, this is your Staff's problem,
6 and not yours. But again, be aware that documents you send and receive are public
7 record. Your Staff is supposed to keep track of them. But, if you generate your own
8 memoranda and somebody wants to see it, you need to show it to them. And, be
9 aware, this applies to e-mail.

10 Essentially, what I tell internally, to the rest of the county employees about what a
11 public record is, is that you're essentially skywriting. You know, if it's something you
12 wouldn't want the whole world to see, I wouldn't write it down. And, violating the public
13 record's law, intentionally destroying public records, is also a crime. And, I don't expect
14 that any of you will be doing this because your Staff is in charge of keeping track of
15 most of these things. But, don't willfully destroy public records.

16 Now, if you have any questions, about any of these things, again, the most
17 important thing you can do is talk to me well in advance of a meeting. Like every good
18 Board member, I'm sure that you review the agenda's in advance of the meeting, and
19 you'll have plenty of opportunity to give me a call at the County Attorney's Office if you
20 think that there might be a problem. Even if you think you do, and I say don't worry
21 about it, it will ten minutes well spent.

22 Your job here, I think, has already been explained. For the most part, what you
23 are here to do is to recommend changes to the ULDC also, I don't know if you guys are

1 going to cover it, but, just to make sure you understand as well, you will be sitting and
2 the Land Development Regulation Commission, which is another agency that reviews
3 these amendments to ensure that they are consistent with the Comprehensive Plan,
4 which is why you met Isaac, and you will see him periodically. That is your alter ego.
5 You will wear both of those hats.

6 If you have any questions about any of this stuff, holler, or talk to me later.

7 **WES BLACKMAN:** I have a question about prohibitive conflict of interest and could that
8 evolve over time? For example, in the Coral Gables, when the public official or counsel
9 person had a membership at the Coral Gables Golf Club, and suddenly the Coral
10 Gables Golf Club appeared before the board, is that then an example of prohibitive
11 conflict of interest?

12 **LENNY BERGER:** It certainly could evolve into one for sure. And the reason I ask
13 everyone to call me, is that I am your lawyer, which is absolutely, inviolate, confidential
14 when you talk to me about these kinds of things because, for these purposes, you're my
15 client. It's a very good question that you raise, Wes, but, every one of these cases are
16 very fact specific, you know. The best I can do, is sort of alert you to the kind of issues
17 that I can anticipate that you might run into here. Again, I don't see it.

18 Those of you who are new to this, don't be overly concerned, because you're
19 essentially an advisory body that does overwriting policy decisions and you won't find
20 yourselves in these conflict situations, but it can happen and you need to be aware of it.

21 Read the book though. In here there's questions and answers that sort of when
22 it's been asked the questions more than fifteen times, it ends up in here. So, a lot of
23 the frequently asked questions, you'll find in the text of the rule booklet.

1 **WES BLACKMAN:** And one more follow up to that. The prohibitive conflict of interest
2 is different from a voting conflict of interest.

3 **LENNY BERGER:** Correct.

4 **WES BLACKMAN:** In that the prohibitive, you need to take the initiative to resign from
5 the board.

6 **LENNY BERGER:** Or from whatever entity you are working with. Correct. Or, choose
7 to seek a waiver from the County Commission. Which again – that's why you need to
8 do this in advance, cause the Board doesn't meet every Tuesday.

9 **CARMELA STARACE:** I just wanted to say that was a great presentation. I'm thinking
10 that, even maybe though you're my lawyer, but I would say anyway, if you are thinking
11 whether it is or it isn't, always err on the side that it is, and act accordingly. I laugh. You
12 know, usually there is a presentation to elect the officials, and the questions they ask is
13 how can you get around The Sunshine Law, that usually what they're asking instead of
14 if it is or if it isn't. But always err on the side that it is.

15 **WES BLACKMAN:** Any other questions of Lenny? Thank you.

16 Next is the PBC website, is that correct?

17 **BILL CROSS:** We had one last item for discussion, which was, as David Carpenter
18 referenced, do we have a division web page. We have pages including the entire Palm
19 Beach County Planning, Zoning and Building Department. We have hyperlinks there
20 and it's all there, all the topics. And, at this web page, we have all the information
21 regarding the Planning, Building and Zoning Department and all it's different divisions,
22 as well as the specific page for the zoning commission and a specific page for the Code
23 Review Section. On this page, we have information that relates to Code review,

1 updates on particular items of interest, items that we're currently working on and, in
2 addition, we have the meeting dates, information on the minutes, and copies of the old
3 Code and new Code, under ordinance numbers. And again, updates and other
4 information regarding the Code review process and some of your responsibilities. You
5 can check here for previous meeting minutes if you want to do research on things we
6 discussed a few months back, or could always contact Staff for assistance.

7 **CARMELA STARACE:** Are you gonna have here, like you did the few last times we
8 met, a court reporter?

9 **BILL WHITEFORD:** We had a court reporter during the Code revision process
10 because of the complexities of everything we were talking about. Also, we went back in
11 detail, through all those minutes to make sure that we covered everything that was
12 discussed and got it right. In the future, I think we're going to play it by ear. Minutes
13 have to be taken, but they can be summary minutes. This can be done by Staff.

14 But, if we get into some complex matters, we may have a court reporter come in
15 again, just to make sure the record is straight and that we're doing our job properly.
16 But, I think we're going to play that one by ear.

17 **BARBARA NOBLE:** Bill, this may be a question for you. How often is the web site
18 updated?

19 **BILL WHITEFORD:** As often as needed. Some of the material is updated every week,
20 especially agendas, result letters, Staff reports. Anybody who has an application in
21 zoning for the DRO or for a public hearing, you can find your information on line. In fact,
22 we try to publish as much of it online, as early as possible, and we're on a two week
23 schedule. The DRO is every two weeks. So you can get your information, your

1 comments, and your Staff comments as quickly as possible and just download them in
2 your office and you can get to work on them. Some of the information hasn't been
3 updated in a while, because it hasn't changed. But some of it ... is as current as current
4 can be.

5 **BARBARA NOBLE:** Part number two of that question is, is Scripps online yet and if it
6 isn't, when will it be and how often will it be updated? Because it's moving like a rocket.

7 **JOHN MACGILLIS:** There is a link on it. If you go to the County web page, there is a
8 link that says Scripps and you just go there and it's update daily with news articles.

9 **BILL WHITEFORD:** But, we don't maintain the Scripps page or web site ourselves,
10 but when they come in and put in an application, you will find the Scripps' Staff report
11 and that information. And, we keep all zoning petitions online and it would be available
12 for anybody to download and look at it.

13 **BARBARA NOBLE:** Okay

14 **DAVID CARPENTER:** Recently, when you updated the web page, about a month ago,
15 whenever it was, everything, the forms previously were available to be filled out online,
16 hotmail, or whatever, you have a choice. Now the forms are just up, you aren't able to
17 fill them out online

18 **JON MACGILLIS:** Yeah, David, we're working on that. We have a person in our
19 technology department that is putting them back on in a form. It's a, it's a lot more work
20 that we anticipated, it's under progress. I would anticipate it would be a month before
21 we have it back on. There were three forms, in word, adobe and then the typeable
22 format will be all available.

1 **BILL WHITEFORD:** One of the good things, and we always said this, our big push last
2 year, was the new Code, the interactive Code, a web site, our GIS layer, all of the stuff
3 that's coming together here soon and quickly. And, we just overhauled our web site.
4 You're gonna find a lot more information on our web site that was not there six months
5 ago.

6 But the fifth thing is electronic EPZB (phonetic). Which is the electronic submittal
7 of applications where you'll be able to fill it out online and actually be able to submit on
8 line. All of that requires a lot of background work as Jon just referenced. A lot of it you
9 will see in the interactive Code presentations, like, all of that, within the next six months,
10 actually, well, some of it is already up and running, and available here shortly.

11 **CARMELA STARACE:** This is really going back to the beginning, but I just wanted to
12 ask Lenny, you know, seeing that there have been city commission meeting where one
13 of us had to be sick or out of town, and we called in and attended the meeting over the
14 phone. Are you going to allow that?

15 **LENNY BERGER:** There is a, I think we have done that in the past, but I think it has
16 been either for illness or for when you've been out of the county and this Board hasn't
17 really - - different boards address that in different ways, if this Board wants to entertain
18 that, that's fine. Because, I think even the County Commission has done that one time
19 that I can remember.

20 **CARLEMA STARACE:** The only reason I ask the question, no matter who we are, a lot
21 of us, our job puts money on the table for our families. I mean, I'm retired, but there are
22 a lot of people around the table that have a real job, I hate to put it that way, like you

1 guys. So, if it means a big transaction going on and the person has to be in Chicago,
2 they shouldn't be penalized, you know what I mean?

3 **WES BLACKMAN:** Especially if it might be their third absence.

4 **CARMELA STARACE:** Exactly. So, I would like you to think about it and entertain it
5 and see how you want to approach it.

6 **WES BLACKMAN:** That raises another point too. Do we have to adopt new bylaws for
7 our new organization and will we be penalized?

8 **LENNY BERGER:** I think they're someplace deep, I think so. Also, bare in mind, this
9 hasn't been done yet, there is no prohibition to having the person whose term was
10 terminated be reappointed again. If a person's term ends because of absences, there is
11 nothing to prevent you from being reappointed, if the person who appointed you doesn't
12 have an issue with it, or if the Board has no issue with it. This is a fairly new policy and
13 I don't think that the Board - - that the consequences of it have really been flushed out
14 fully. I haven't heard of any other problems with any Board yet where this has turned
15 into a problem, but.

16 **CARMELA STARACE:** When someone is looking to not put you back on the Board this
17 is the first excuse they go to. I can tell you that.

18 **LENNY BERGER:** Well, really, you serve at the pleasure of the Commission anyway
19 and technically they can --

20 **CARMELA STARACE:** No. Well, I mean yes, in a way. What I mean is we just put
21 our Board together, and there were certain people that they didn't want on. Actually,
22 actually, the person had a note and was in the hospital one of the times. But, they didn't

1 want him on and they used that for an excuse. Good bye. So, that like a very - - so,
2 please, entertain this telephone thing.

3 **MAURY JACOBSON:** I would like to say a couple of things. I don't understand the
4 rigidity in which this whole issue is being approached. And the idea of being called out
5 of town, whether you are retired or gainfully employed, is a fact of life. This can happen.
6 If I were to call you, Lenny, from wherever I am, in Seattle, Washington, will I be able to
7 participate here, as a person not here? Will you have the facilities here?

8 **LENNY BERGER:** That's a question for the zoning people. This isn't my house. I
9 think technically, you have the capability of have a speaker phone hooked up in the
10 room here.

11 **MAURY JACOBSON:** I'll tell you Lenny, I have just assumed that you're my attorney; I
12 don't care about correct here.

13 **LENNY BERGER:** I understand. But as I said, we discussed this while you were all at
14 CTF at the Hyatt. This was the Commission elected to do this and it's their call. That's
15 the hand we've been dealt.

16 Now, as far as the out of town call in, like I said, I believe that other Boards have
17 done that, and if this Board wants to do that, I think we can do it but, you have to either
18 be sick or out of the county.

19 **WES BLACKMAN:** It would be nice if the County didn't call out --

20 **CARMELA STARACE:** Can I make a motion?

21 **DAVID CARPENTER:** I think I'm next.

22 **CARMELA STARACE:** Oh, I'm sorry.

1 **DAVID CARPENTER:** I like the no excused absence policy personally, because it
2 eliminates a myriad of excuses and other people having to weigh it and so forth and,
3 three absences in the course of a year - - I don't think a person would need that in a
4 normal session. And, the other reason that I like it, is after the three, if the Board that
5 appointed you, or the Commissioner that appointed you, still wants you to serve, even
6 though you weren't showing up at the meetings, then you have to go to that responsible
7 party, and let them know that you missed the three meetings and are asking to be
8 reappointed even though, you now, you possibly, weren't representing them. So, and
9 this Board has had a history of problems related to absenteeism and I think the no
10 absentee policy will prompt people to show up to the meeting and instead of leaving us
11 sitting here after a half an hour, an hour after the meeting is supposed to start without a
12 quorum, which is the typical way that has been happening here, this will prompt people
13 to show up. So, I think the no absentee policy is something that this Board probably
14 needs. Because absenteeism is something we've struggled with for a long time.

15 **CARMELA STARACE:** And I agree. I'm not talking about being absent. I'm talking
16 about being present. And if I am on the phone, and you are stuck with no quorum, you
17 now have your quorum. So, we can address the problems we have had, so I'm not
18 talking about absenteeism.

19 **LENNY BERGER:** If we're going to talk about this anymore, I want to make clear, and I
20 apologize, I didn't have it in front of me, it is three in a row. Not three over a year, or
21 two-thirds during the calendar year, and it doesn't count special meetings. So it is a
22 little more lenient than I think we were expecting.

23 Larry?

1 **LARRY FISH:** The only thing I would disagree with that on is if we went to weekly
2 meeting like we did last year then you need to amend the policy. Otherwise I think three
3 is a row is fine.

4 **LENNY BERGER:** See, I would interpret that to be a special meeting. I think if you
5 miss two thirds of the twelve that were up there, that's what we're talking about. Or if
6 we end up in some crisis mode where we are meeting every week again.

7 **WES BLACKMAN:** Any other questions regarding procedures or regulations that we
8 have to adhere to before we move on.

9 **JON MACGILLIS:** Actually, before we move on, I wanted to send this around. This is
10 what Staff has as to everyone's name, telephone number's and e-mail addresses. I'm
11 gonna send this around. If any email address or if anything is wrong on here, please let
12 me know. Just leave it with us if anything is wrong. Keep your copy for reference. If
13 anything is wrong, please let us know.

14 **WES BLACKMAN:** Moving on here, the next item up is the review of the 2003
15 accomplishments.

16 **BILL CROSS:** Look at attachment three. Yo u're looking at the 2003 accomplishments.
17 I want to reference that this was the former Citizens Task Force or CTF that many of the
18 members here previously sat on that is a now a defunct advisory board. We've included
19 the attendance records of the CTF. But, more importantly, what we've included is the
20 2003 accomplishments. And these actions were actions that were taken both by the
21 CTF as well as Staff actions. I'd like to note that the adopted Ordinances that occurred
22 during this time frame, first and foremost, the Unified Land Development Code was
23 almost completely rewritten and even though there is only one item indicated here,

1 those former CTF members, I'm sure, can attest to the number of meetings and the
2 amount of work that went into rewriting this Code.

3 In addition to that, there was also the creation of a Northlake Boulevard Overlay
4 zone, which was a joint party agreement between North Palm Beach, Lake Park, Palm
5 Beach Gardens, unincorporated Palm Beach County and the Lake Park area, just east
6 of 95. In addition to that, there were two Ordinances to revise and amend Traffic
7 Performance Standards, there was an ordinance for Health Regulations, as well as an
8 end of the year ordinance to revise the Code for impact fees.

9 In addition to that, the Staff, some of who are with Jon MacGillis now, worked
10 very hard on the interactive Codes, which had several features that Jon will go into.

11 **JON MACGILLIS:** I'm going to introduce Carol Ann Ready. She is the engineer that
12 worked on this. She is now an official county employee, but she was a consultant at the
13 time, last year, when she worked on this with us.

14 As part of the major Code rewrite, the Board of Count Commissioners directed
15 Staff to develop an interactive Code. The interactive Code Staff took it a step further,
16 and working with our technology department, incorporated it into the electronic planning,
17 zoning and building module. The nice thing about that now is that when staff or
18 eventually when the public gets access to that, they will be able to toggle between the
19 electronic application and the Code when you are looking for stuff.

20 Some other features that we did on it was wizards, to help people with some
21 commonly asked questions. Carol Ann will give you a little demo on that. How to
22 integrate the information in the Code into the other applications that are tied into the
23 electronic EPZB. The other major think I've added is incorporating many of the web

1 features that you all are accustomed to, your bookmarks, your video, that you have on
2 many of your other web pages. We're pretty excited. There is not any Code out there
3 that is state of the art as this is. With that, I'll turn it over to Carol Ann.

4 **CAROL ANN READY:** Good afternoon. My name is Carol Ann Ready and I am very
5 proud to present you the EPZB, which stands for Electronic Planning Zoning and
6 Building Website. This adjunctive is a state of art. Nothing else is out there in zoning.
7 And here is our premier. There's no champagne, but it's going to be fun.

8 As I said, the EPZB is the Electronic Planning Zoning and Building and the ULDC
9 is just one part of it. Anyone who signs on, has to click on the disclaimer saying that the
10 electronic version is not exactly as the adopted copy. Because we have some
11 interactive features that, at times, could not be up to date, based on technology. So
12 everyone has to agree to get in.

13 Then here we have our ten tabs. The main feature tab will take you back to other
14 applications that presently being used by internal Staff members. If you don't have a lot
15 of time, you can always go to the online demo. This will give you an idea of the overall
16 of the Code. If you go through all the functionalities of all these ten tabs, it will give you
17 a brief overview. It will also help you get familiar with navigating through the Code. It
18 helps with any of your learning skills to get you up to speed. We are also going to have
19 an online help for you as well.

20 Up here in the corner, you can navigate forward, if you missed something, like I
21 always do on these help lines. You can also go backwards, and read a little bit more, or
22 you can go to the end of your document, forward, or start all over again.

1 It also has some audio features with it as well. So you would have to turn your
2 audio features and volumes on speakers okay?

3 So, basically, I'm gonna go through and give you the real thing, based on this.

4 Now, the first tab we have here is the prior Ordinances. Can you believe that we
5 have the years 1957 to 2003 online? I think that is very exciting. You don't have to go
6 through a stack of books looking for anything. They will be in PDF format. You may be
7 asked to download Adobe, but I think that most people have computers are very familiar
8 with that format. The portable document format. And you will be able to access all of
9 your information online. And we go right down to 1957.

10 Next, we have all the Articles in the officially adopted version, which is what is at
11 your desk, this is what we printed from this. We actually encourage you to use this
12 version, if you have any questions, we ask that you use this version, because this will
13 be consistent with what is in your book. And you'll go to those page numbers, and
14 everyone will be on the same page, literally, okay. I know that with the PDF version,
15 some of the numbers were off, this is exactly right. No mistakes. The functionality of
16 the PDF, we have bookmarks. I don't know if people are familiar, but you can also
17 come in here and link to a version of the Code and go in.

18 There is also navigation that is available using the binoculars or the control F on
19 your computer. You can come in and click a word that you are looking for within the
20 entire Article. This gives you search functionality within the entire Article. And you will
21 come in, and you want to search some more and it will go right to that specific word.
22 Okay. It's really a great feature, especially with a document this large.

1 Our next functionality is the definitions. The definitions are listed A through Z and
2 they are linked to what is in the ULDC. Definitions in the ULDC. So, here we have, it
3 will come up, and it will go right to the specific, to that particular definition you are
4 looking for or to that particular part of the Code.

5 The bookmark functionality can bookmark parts of the Code that you frequently
6 use and it is only available with a user I.D., okay? So, let's say for instance, that you
7 need to go to a certain section of the landscape Code, you can bookmark it just like you
8 do with your favorites like when you navigate on your explorer.

9 Now we get to the main feature. And that is the interactive Code. Now, here we
10 have the Articles listed 1 through 18 and this is actually, this Code, in HTML, is like a
11 seven thousand page web site, that is fully navigational. You can search the entire
12 Code using a search key that I will get to. The Code also has video and audio.

13 John has put together a historical Code in prospective, it's fabulous. I'm going to
14 do a demo on it. You will probably be prompted to download REALPLAYER. It will
15 come in really great. They were all done in house. They are really professional. They
16 did a great job. They have music and audio with them and they're very educational.

17 The Historical Code, I actually encourage you to view that. It's really very, very
18 good.

19 So, within the Article navigation, you have the option, if you don't have a real fast
20 computer, you can just to a text version, or you can click on a text and graphic version
21 which would give you illustrations and a text within the Code. Then you can go to each
22 Article. It comes up here. Article Five if you want to, Article Seven. Within the code, if
23 you click on the first house, the entire Code is here for Article Seven. You have

1 navigation from the bottom, you can go over to ten, you can go to the last page of the
2 Code, immediately. Come in, there's graphics. It's very explicit. It helps the user,
3 hopefully, to get more explicit details on what they are trying to understand within the
4 Code because of the complexity of the document and, as well, it will hopefully make
5 less phone calls to the office and walk ins. That's what we were hoping to accomplish.
6 So, the navigation is one through eighteen and you just click and go away.

7 Now, the wizard and the FAQs were also developed by Jon, it was his input and
8 his Staff. We have about two hundred frequently asked questions and they will add, it
9 all the questions that people come in and ask, you know, what is my land use
10 designation or what can I do on my land. We have tried to incorporate typical questions
11 to help the general public. They can even search by keyword in there.

12 As well, we have a PCN wizard that will help people with knowledge of their
13 property, what's be done, permits and so forth, and a planned information database that
14 will help people within Florida to know what type of plans they may use or may not use
15 on their property. It's very detailed. You can come in and search it by trees, submit it
16 and then it will generate a report, a whole report, or you can go to a specific tree and
17 get that information as well. I mean it's very detailed. We have the illustrations as well
18 that are specific to the Code that are show up within the various Articles. If you just
19 need to go to an illustration, you can just search in here and find what you're looking for.
20 They are done by topic. The keyword search is probably what you will be using a lot of.

21 We encourage you to use this feature, you might want to open up the PDF so
22 you can see the entire document. You can search by topics. You can search by word
23 index. As you come in, you can search a particular Article, or, if you wanted to see all of

1 the Articles, an exact phrase, all the words or any of the words, just put it in, put in your
2 word search, it brings up all of the occurrences of that word in the Code. You click. It
3 comes through. Then you have navigation back and forth if that is not what you are
4 looking for in that particular area. As well as you have links to Florida Statutes and
5 outside links. You don't have to go anywhere or ask anybody for anything. It's all here.

6 Basically, If you have any questions, I will be glad to answer them.

7 **MAURICE JACOBSON:** Well, two things. My compliments to you and your Staff,
8 whoever is responsible for this.

9 **CAROL ANN READY:** It's a collaborative effort.

10 **MAURICE JACOBSON:** But I'm curious about something. What sort of music do you
11 have in this thing?

12 **CAROL ANN READY:** Really? Well, no rock. We don't have any rock.

13 **MAURICE JACOBSON:** I'm curious. What generation or what era?

14 **CAROL ANN READY:** It's a combination of various music. I would say elevator music.
15 There is a variety of music. They thought that it would help with the navigation. You
16 know, sometimes reading can get a little boring?

17 **CARMELA STARACE:** I'm just curious, where are you going to be advertising this?
18 Where is it going to be? Can you put that on the bottom of your agenda of the county
19 commission meetings and things like that?

20 **JON MACGILLIS:** Where we are now is that we just finished publishing the document.
21 It took almost three months for us to do it. So, right now, only Staff has been using the
22 test version.

23 **CARMELA STARACE:** Okay.

1 **JON MACGILLIS:** We will be releasing the full version to them this week and then
2 training the zoning and building Staff on it and DRO agencies and agents and working
3 our way out to the public. We would hope within two months to have it online. So,
4 when you go to our web page, when you click on ULDC you'll get PDF version or the
5 interactive version.

6 **WES BLACKMAN:** Any other questions?

7 **BILL WHITEFORD:** An interesting statistic is that we've only printed fifty copies of the
8 Code. Last year, when we were doing the drafts and what not, we were printing four
9 hundred at a time. We've only printed fifty because of the information being available
10 online.

11 **CAROL ANN READY:** And I might add that the zoning Staff this all in a word document
12 but was then converted in this application. It's really fascinating.

13 **WES BLACKMAN:** Great, interesting. Moving on. We are at the 2004 work plan.

14 **BILL CROSS:** With that, we are on our final and last attachment. This will be our 2004
15 work plan. We have two sections of this for you. The first section are those items that
16 we know for a fact are going to be reviewed by the LDRAB this year and they are
17 already working on.

18 The first one is general issues items is glitch revisions. These are going to be
19 grammatical revisions or anything that was to be added or that were left out of the Code
20 that was approved last year by the Board of County Commissioners. Staff is already
21 working on this and we anticipate this for the next meeting. We will be presenting to
22 you a round of glitch amendments. We have a window open to accept amendments for
23 Staff and other persons currently at the end of April. We may be revising that

1 depending on the time line. Therefore, we won't be able to present to you, all at one
2 time, at the next meeting, all the current glitches, as we may still receive more.

3 In addition, the West Gate Community Redevelopment Agency has been working
4 with the Planning Division and they have already been to LUAB on revisions to the West
5 Gate Overlay Redevelopment Plan.

6 There will be some minor revisions to the Code at this time, as I understand it, to
7 the portions of the Code that applies to the WCRA (phonetic) and the area overlay.

8 In addition, the Department of Airports indicated that they will be rewriting their
9 portion of the Code, Airport Regulations, Article Sixteen. That one item that may or
10 may not require the Board, it can use it's discretion, to form a sub-committee to address
11 this per item.

12 Other potential revisions that you may or may not have heard about in the news
13 or through other channels is first and foremost, the Scripps Research Center. That
14 development, as we discussed earlier, is going to be going the fast track as being
15 discussed by the Planning Division, Board of County Commissioners, as well as the
16 Zoning Division. At this time we don't have any specific amendments to discuss in
17 detail, but we do anticipate that there might be some minor revisions to accommodate
18 that development at which time we will be presenting that to you.

19 In addition, we have Article Three, Traditional Market Place Development. The
20 CTF last year, reviewed this item and it was presented to the Board of County
21 Commissioners however, it was pulled by the BCC and given back to the Staff with
22 additional research and brought back to the BCC and, at that time, we may or may not
23 anticipate additional changes, per their direction.

1 Sign amortization, last month, the Zoning Division held a workshop for the Board
2 of County Commissioners to discuss the sign amortization program, leading to the
3 direction of a pilot program. Again, that may or may not require changes to the Code.

4 Infill Redevelopment, as mentioned before by Isaac Hoyos, from the Planning
5 Division. The Planning Division has undertaken an infill redevelopment study at which
6 time when they conclude that we will incorporate any required revisions as required by
7 the Land Development Code.

8 Most recently, and you will notice, this is not included in the handout, but we
9 have been directed by BCC to look into big boxes, or large retail developments in
10 excess of 100,000 square feet per single tenant. We don't have any information or
11 specific information for you at this time, but we will be researching that further.

12 In addition, we have been notified that the Planning Division may or may not be
13 making revisions to the Historic Preservation element, as well as the voluntary density
14 bonus program and it's effects on the workforce housing portion of the compound. As
15 we learn more, we will of course, keep you up to date. At some future time this year,
16 you may expect to see those items for review.

17 **BILL WHITEFORD:** Any thing under general discussion or questions on our 2004 work
18 plan?

19 **CARMELA STARACE:** On the big box, that you had, that Bill had, not only the
20 structure of the building but you're going to speak to maybe changes of landscaping?
21 Cause some of these big boxes need to have a six foot buffer. So, that's going to be
22 addressed also?

1 **BILL WHITEFORD:** It's on the table. The Board is concerned about the impact of big
2 boxes popping up in the community. They've gone from big boxes to super big boxes.
3 They are not longer just big boxes, or a really big box. They have asked us to see
4 what we could do to make them more compatible, dress them up. Not necessarily go
5 away. But, how we can make them a good quality development, a better project. That
6 involves everything from architecture to signage to working with the developer to get
7 them to redefine their footprint a little bit, their internal orientation of usage and trying to
8 get more public interest, that type of thing, walkability.

9 **CARMELA STARACE:** Good.

10 **WES BLACKMAN:** Anything else under general discussion?

11 **DAVID CARPENTER:** One of your categories was Infill Redevelopment. Now, I was
12 wondering. Generally, I thought of infill as being an undeveloped site in an otherwise
13 developed area, so I was wondering about the term, "infill redevelopment"?

14 **BILL WHITEFORD:** Planning did a workshop with the Board and they recognized that
15 they are two different things. A lot of time they use a slash. Infill/Redevelopment. It's
16 not infill redevelopment one term. It's infill and redevelopment. Both were address by
17 the Board at a workshop and will be addressed by us the same way, infill and
18 redevelopment. Try to discern a little bit between the two.

19 **DAVID CARPENTER:** I mean, I think a lot of people realize that redevelopment is the
20 next biggest thing that the Code needs to address and I mean, our Code has typically
21 addressed new development.

22 **BILL WHITEFORD:** We had a couple of the County Commissioners, we had some of
23 those more urbanized areas, Commissioner Koons, Commissioner Newell... it's a hot

1 issue for them. They talk about it all the time. They actually really wanted us to
2 address is part of the Code Revisions that we did last year, but it's such a big topic and
3 there wasn't time to get the project done before the end of the year to do it. So, we told
4 them that we were going to do it this year. But, we couldn't do any action and bring it to
5 you until after the workshop that Planning had, which was only last month.

6 **DAVID CARPENTER:** Okay.

7 **BILL WHITEFORD:** D.J.?

8 **D.J. SNAPP:** This is a hot bud with me. I've been harking' on infill regulations and
9 special development regulations because it is where the county is going. I've had
10 several discussions with Commissioner Newell on this. I am wondering, if they've got
11 comments or input, who in particular from Planning should we send that to before it gets
12 here.

13 **ISAAC HOYOS:** The person in charge is Patrick Rutter. He is the Chief Planner.

14 **BILL WHITEFORD:** And I think that they do need to be taken together because
15 although they kind of overlap, especially in some infill areas you may have some small
16 vacant parcels that kind of got passed over, they would be considered infill, but the best
17 way to develop it to attach other previously developed parcels to them in a dozen
18 different combinations.

19 **WES BLACKMAN:** Bill, you wanted to ask something?

20 **BILL CROSS:** Staff also has several items under our general discussion that I'd like to
21 bring to your attention.

22 First and foremost, under confirmation of attendance, we will be sending e-mails
23 out, to those who have e-mail addresses, the week before a meeting to remind you. We

1 will also have secretaries calling you on Monday to confirm your attendance. If you
2 would, please be sure on that day if you plan on attending and have yourself or
3 somebody else available to respond to the secretaries so we can determine if we have
4 a quorum or not for that meeting.

5 To assist us in that, as well as mailing out the meeting packages, we mail out
6 one week in advance, we ask that you review the roster that we handed out to make
7 sure all of your contact information is correct as well as your professional credits or
8 credentials and any information, addresses, e-mail addresses, telephone numbers, so
9 we have the proper information to contact you at the right place

10 In addition to that, the roster, phone attendance, and prior credits, with that I
11 close. Is there anything else that we would like to have added to the agenda for next
12 month?

13 **WES BLACKMAN:** Jon, and then we'll....

14 **JON MACGILIS:** The Zoning Division met yesterday with the Airport after meeting with
15 them on numerous occasions. You will recall last year rewriting the entire Article about
16 fifteen airports and then they pulled it out and brought it to the County Attorney's Office
17 for review? They have come back to us. They are going to rewrite the entire Article.
18 Knowing the past, we thought that a sub-committee would be appropriate.

19 So, they said, we wanted to bring that up today to ask you if you would like for
20 form a sub-committee. Do you think it's appropriate to set up a sub-committee to deal
21 with the technical issues for the rewriting of the Airport Ordinances? If not, that's fine.

22 **WES BLACKMAN:** I don't see any volunteers.

1 **BILL WHITEFORD:** You know what I would suggest is that you see it first and then
2 decide if you want to grapple with it and if not, then set up a sub-committee because it
3 could involve, and the idea behind the sub-committees was to get people on board who
4 have more technical expertise in that particular area, then everyone else in this group.
5 We did that with architectural guidelines, we did it with landscaping, we do it with
6 nurseries, we do it with signage. Same idea. So, maybe take a look at it when you get
7 it and decide how you want to handle it at that time. If you feel comfortable handling it
8 amongst yourselves.

9 **CARMELA STARACE:** Are we going to be able to change flight patterns?

10 **BILL WHITEFORD:** There is a lot of stuff, information, airport zones and noise, all
11 sorts of issues.

12 **DAVID CARPENTER:** I served on that Board. I think it was like six or eight years ago
13 when I think D.J. was on it. It deals with noise levels. One thing I think is important to
14 the home builders and construction industry is the additional soundproofing and so forth
15 that's required in the zones based upon the decibel levels. And, of course, the airport
16 overlay zone is a big area also. So, that's mainly what that is.

17 **BILL WHITEFORD:** Maury, you got a comment?

18 **MAURICE JACOBSON:** I've got a comment. It's kind of an invitation to everybody
19 here. About a week ago I received an invitation. Is anyone familiar with the Plaza de
20 Mar, next door to it a beautiful, wonderful restaurant called Caleros (phonetic). If you
21 come tonight, anytime after five, and Danny assures me there will be plenty of food.
22 You will either get me roasted or toasted, I don't know which. I'm delighted to invite you
23 folks because it will add some additional class.

1 **LEONARD TYKLKA:** Being not part of the pack, well, actually I was, a long, long time
2 ago, when we first wrote this two hundred pound book, one of the things that I have a
3 question about is how do we, as members of the group, and I apologize for boring
4 everybody, but how do we, as members of the group, bring to light, or bring to the table,
5 an issue that we believe have been covered in the Code but have not necessarily been
6 fairly covered in the Code or things that are in conflict with the Code?

7 **WES BLACKMAN:** Well, I can think of two ways. Number one, there are general
8 board member comments as part of each of our agendas so, if you want to report at that
9 time, that would be an appropriate time. Or, individually outside the Board if you have
10 an issue with Staff, I'm sure we would entertain a meeting. Do you have anything else
11 to add?

12 **BILL WHITEFORD:** I would say, you know Len, or anyone else on this Committee
13 representing an interest group, if you know of an issue that you need to bring to our
14 attention, take the opportunity on your ability to comment during these meetings or
15 contact us outside these meetings, you can contact Bob, and inform him about the
16 concern or the issue, and we can either clarify it for you and address it, or put it on an
17 agenda for a meeting.

18 We try to handle it informally. If there's a concern that has been brought to our
19 attention, by the industry or the man on the street, we're gonna bring it to your attention.
20 If we can't clarify it and address it then they will be invited to participate and listen and
21 make comment if that's the Board's pleasure. Carmela?

1 **CARMELA STARACE:** I was just going to say that the glitch has been a lot really that
2 we've changed, but is has been produced more by Staff more than by us. But I think
3 what Len was saying, it would be the same thing at a counsel meeting. If we have
4 something, we will bring it up. If it's a concern and we will say to you want to discuss it
5 or agendasize it for the next meeting.

6 **WES BLACKMAN:** Each meeting we adopt the agenda and we can change it at that
7 time. Yeah, D.J.?

8 **D.J. SNAPPER:** There are basically three ways for review that come in front of us. It's
9 either designated by the County Commission, we want you to study this and change the
10 sign Code, or whatever it is. Or, it's Staff driven, which is usually industry driven or
11 problems that they're seeing or consumer complaints or whatever. Then it gets
12 generated and a proposed Ordinance gets sent to us for review. And the third way is
13 internally generated by us. That typically is one issue may come up and then a related
14 issue, then somebody on the Board thinks we need to address that issue and the Staff
15 will say, okay and put it on the list or we can't do it right now because of other
16 constraints, but we will put it on the list. And it comes back to us. Or it is something
17 that we are dealing, related to what we are dealing with and they just put it in, and blend
18 it into things.

19 **WES BLACKMAN:** Anything else? Our next meeting will be May. We're adjourned.

20 (Thereupon the meeting was concluded at 3:34 p.m.)